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MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
SIERRA HEARING ROOM
SACRAMENTO, CALIFORNIA

MONDAY, DECEMBER 5, 2005
10:00 A.M.

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CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Cheryl Peace

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Mr. Howard Levenson, Deputy Director

Mr. John Bell

Mr. Michael Bledsoe, Staff Counsel

Ms. Mindy Fox, Supervisor, Training, Outreach & Special Assistance Section

Mr. Tad Gebrehawariat

Mr. Scott Walker, Manager, Remediation, Closure, & Technical Services Branch

Mr. Mike Wochnick, Supervisor, Closure & Technical Services Section

ALSO PRESENT

Mr. John Abernethy, SWANA and County of Sacramento

Mr. Evan Edgar, CRRC

Ms. Patricia Henshaw, Orange County Local Enforcement Agency

Mr. Justin Malan, CCDEH

Mr. Paul Relis, CR&R

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone.

3 Welcome to the December 5th meeting of the Permitting and
4 Enforcement Committee.

5 There are agendas on the back table. And if
6 anyone would like to speak to an item, there are speaker
7 slips back there as well. Please fill them out, bring
8 them forward to Donnell and then you will have an
9 opportunity to address the Board or to the Committee.

10 Also, I'd like to ask everyone to either turn off
11 your cell phones and pagers or put them in the silent
12 mode. And before we get started, I do want to welcome
13 Board Member Cheryl Peace back to our committee. I
14 understand she was on this committee before and left and
15 now she's back, so I really do look forward to having you
16 serve on our committee.

17 COMMITTEE MEMBER PEACE: I'm glad to be here.

18 CHAIRPERSON MULÉ: Donnell, would you please call
19 the roll.

20 SECRETARY DUCLO: Members Peace?

21 COMMITTEE MEMBER PEACE: Here.

22 SECRETARY DUCLO: Washington?

23 COMMITTEE MEMBER WASHINGTON: Here.

24 SECRETARY DUCLO: Chair Mulé?

25 CHAIRPERSON MULÉ: Here.

1 And do we have any ex partes?

2 COMMITTEE MEMBER WASHINGTON: I'm up to date.

3 COMMITTEE MEMBER PEACE: I'm also up to date.

4 CHAIRPERSON MULÉ: And I'm up to date as well.

5 So we're good to go.

6 And now I'd like to ask Mr. Levenson for your
7 Deputy Director's report, please.

8 DEPUTY DIRECTOR LEVENSON: Sure. Good morning,
9 Madam Chair and Committee Members, and welcome, Ms. Peace,
10 to the P&E Committee.

11 I'm Howard Levenson with the Permitting and
12 Enforcement Division. I have a number of items to give
13 you some information about today so bear with me for a
14 little while.

15 First of all, regarding the Madera County Local
16 Enforcement Agency, as you recall on October 3rd at the
17 Board's direction at the special board meeting, you
18 directed staff to work with the County to resolve the LEA
19 structure and staffing issues that were discussed at that
20 meeting.

21 I'm happy to report that the County has agreed to
22 designate at least one full-time Registered Environmental
23 Health Specialist for the program. Also, to place the LEA
24 within the county administrative officer's office and
25 remove the function from the Resource Management Agency.

1 And to amend its ordinance to expressly reflect the
2 separation of duties.

3 So we're -- well, the Board of Supervisors will
4 be considering the ordinance revision tomorrow, but we're
5 satisfied that they are resolving these issues. And
6 consistent with the Board's direction, we haven't placed
7 any item -- further item on the agenda for your
8 consideration, but we'll be monitoring that situation.

9 Secondly, regarding the AB 1497 permit
10 implementation regulations, last month you heard an item
11 on those regulations and directed us to go out for a
12 60-day commend period. As you know, that package may --
13 or the AB 1497 mandates that the Board adopt regulations
14 defining significant change in the design or operation of
15 a solid waste facility that isn't authorized by the
16 existing permit. And it also includes direction from the
17 P&E Committee in November of 2004 to include other
18 provisions, such as the application of hearing
19 requirements for new solid waste facility permits.

20 Last month, the Committee directed staff to
21 initiate the formal rule-making starting with a 60-day
22 comment period, but first asked us to meet with
23 stakeholders to see if we could develop a list related to
24 minor changes that could be implemented by the operator,
25 but which would not require LEA approval, and a list of

1 major changes that would always be considered significant.

2 We met with stakeholders 2 times last month on
3 the 21st and 29th, two all-day working groups. And I
4 think we made substantial progress on those lists. We
5 still have more work to do and we're going back and forth
6 via E-mail. But I think it's another example of the
7 Board's willingness to engage stakeholders. And I'm very
8 satisfied that this process is meeting the Committee's
9 direction.

10 So we'll continue to work on the lists over the
11 next couple of weeks through E-mail primarily and one more
12 short meeting, and then we'll incorporate those results
13 into the draft regulations that will be posted for 60-day
14 comment.

15 I wanted to give you a quick update on trainings.
16 LEA training program staff have implemented 4 different
17 training courses over the last 2 months. These include
18 compliance first, which is related to State minimum
19 standards, using geographic information systems,
20 conducting surveillance and investigations for illegal
21 tire dumping, and the fire coordination meetings that we
22 had 3 workshops with the Fire Marshal's office around the
23 State.

24 These classes were held in 16 cities and over 500
25 individuals attended them. The audiences included LEAs,

1 facility operators, tire grantees, planners, code
2 enforcement staff and district attorneys. In addition,
3 our health and safety staff held another round of medical
4 monitoring of field staff and we also conducted additional
5 training on violence in the work place, in keeping with
6 the Board's and senior management's efforts to make sure
7 that we do ensure a safe workplace.

8 I want to report to you that 2 items have been
9 pulled from today's calendar. I've sent notices out about
10 that, but just for the public record. Last week Sonoma
11 County, the LEA requested that Item C regarding global
12 material recovery systems be pulled. This decision by the
13 LEA is not a waiver of time. Instead, the LEA had
14 submitted something to us that could not be concurred in,
15 because the mitigated negative declaration for the project
16 is under appeal, and so it is not yet approved, and so the
17 LEA had to withdraw the proposed permit.

18 When CEQA is completed and presumably the
19 mitigated negative dec is adopted, the LEA can resubmit
20 the proposed permit to us and we'd have the full 60 days
21 to act on that permit application.

22 Secondly, the Amador County LEA has requested
23 that Item D regarding the Western Amador Recycling
24 Facility be pulled. In this case, several required
25 findings relative to the permit could not be made. And if

1 we were hearing the item today, I would have to probably
2 recommend denying issuance of the permit.

3 In addition, we do have several issues regarding
4 overall LEA performance, and we have initiated an
5 evaluation of the LEA and will be pursuing that pathway.

6 COMMITTEE MEMBER PEACE: Yeah, because I was
7 going to bring that up before I knew the item was pulled.
8 They said they hadn't -- they were supposed to have a
9 compliance schedule by July 12th. It still hadn't been
10 received, that they hadn't been doing their inspections
11 and you did --

12 CHAIRPERSON MULÉ: They haven't been submitting
13 their reports, and a number of other things.

14 COMMITTEE MEMBER PEACE: Right. All these things
15 they haven't been doing and they didn't even have an LEA
16 for several months. And then it said -- in the item it
17 said if the Board so directs that staff could bring an
18 item regarding LEA performance. So you said you are going
19 to be doing that.

20 DEPUTY DIRECTOR LEVENSON: We are going to going
21 to conduct -- we already have started an evaluation. We
22 started it actually last month or, I think, in late
23 September when we became aware of some of the issues
24 related to the lack of compliance on the enforcement --
25 following up on the enforcement order date, so we will be

1 conducting that. We've already been gathering all the
2 information that we need, and we'll be having discussions
3 very soon with the LEA on this, and then we'll be able to
4 report back to you.

5 COMMITTEE MEMBER PEACE: And when it said in this
6 item that only one inspection been reported for all of
7 2005, how -- one inspection report, how often are those
8 supposed to be done? Every month eight --

9 DEPUTY DIRECTOR LEVENSON: Every month. That's
10 clearly one of the issues that we're evaluating.

11 COMMITTEE MEMBER PEACE: Thank you.

12 DEPUTY DIRECTOR LEVENSON: Absolutely.

13 Okay, just 2 more items. And one of them is
14 regarding the appeal of an enforcement order that was
15 scheduled for this afternoon. We had convened a special
16 hearing panel. As you know, we did have a special meeting
17 scheduled for this afternoon, namely the convening of a
18 board hearing panel to hear an appeal of an enforcement
19 order that was issued by the Waste Board acting as the EA
20 for San Luis Obispo County.

21 Very briefly, we issued a Notice and Order on
22 September 30th requiring the property owner, Mr. Filbin,
23 to immediately cease and desist acceptance of Type A,
24 inert debris waste and begin processing stockpiles of that
25 Type A inert debris for resale or reuse by mid-November.

1 On November 3rd, we received a letter that was
2 dated October 31st from Mr. Filbin appealing this Notice
3 and Order, and so we set up the hearing panel that was
4 schedule for this afternoon, based on the various
5 statutory and regulatory time frames that apply to an
6 appeal -- the appeal process.

7 Last week Mr. Filbin's attorney requested a
8 90-day continuance of the appeal due to medical issues.
9 Based on consultation between the Board Chair and our
10 legal office, Mr. Filbin has been granted a 30-day
11 continuance until January 9th when we'll continue this
12 item to January 9th, which is the day of the January P&E
13 Committee meeting.

14 If Mr. Filbin does want a 90-day continuance,
15 he's been advised that he must start processing the stored
16 material within 45 days. So we'll report to you on that
17 in January.

18 Lastly, let me just let you know about a couple
19 of upcoming activities. We just want to make sure you
20 keep your calendars open to various things. On January
21 18th, we will have the first of our landfill gas to
22 hydrogen workshops. This is under the interagency
23 agreement with UC Davis to further explore hydrogen
24 production from landfill gas. And then in February, we
25 will have 2 landfill post-closure use symposia.

1 They'll each be 2 days. They'll be the same
2 agenda for each of the 2-day sessions. The first will be
3 February 15th 16th in Ontario, and the second will be
4 February 28th and March 1st in Stockton. The focus here
5 is on project development on closed landfills. And the
6 audience will be planners, legal folks, developers,
7 regulators. And we'll have a whole suite of presentations
8 and breakout sessions on regulatory, technical, legal and
9 economic issues.

10 So that's going to be a major activity. We
11 haven't done anything like this since '92 or '93 in terms
12 of post-closure land use. So we expect this to receive a
13 lot of attention and we'll be doing a lot of follow-ups
14 from that.

15 And with that, I'd be happy to answer any other
16 questions that you have, otherwise that's all I have for
17 my deputy's report.

18 CHAIRPERSON MULÉ: Thank you, Howard for that
19 thorough report. Do we have any questions for Mr.
20 Levenson?

21 No. Well, I guess we can move on to Committee
22 Item B, Board Agenda Item 2.

23 Howard.

24 DEPUTY DIRECTOR LEVENSON: Okay, Item 2,
25 Committee B is Consideration of a New Full Solid Waste

1 Facilities Permit(Transfer/Processing Station/Compostable
2 Materials Handling) For The CR&R South County Materials
3 Recovery Facility in Orange County. Tad Gebrehawariat
4 will be making this presentation. And I probably have to
5 recuse myself from any involvement in this, because of
6 some of the people involved on the operational side,
7 namely Mr. Relis.

8 That's a joke. It's an inside joke.

9 (Laughter.)

10 COMMITTEE MEMBER WASHINGTON: I'm like what are
11 you talking about?

12 CHAIRPERSON MULÉ: Good morning.

13 (Thereupon an overhead presentation was
14 Presented as follows.)

15 MR. GEBREHAWARIAT: I think we will start the
16 presentation -- we will call your attention to -- we will
17 start your presentation by calling your attention to the
18 satellite photo for the area where the proposed new
19 facility is located. It is predominantly an agricultural
20 area. The facility right now is just vacant land. There
21 are no structures.

22 And with that, we'll go into the presentation.

23 The proposed permit is to allow the following:

24 The operation of a large volume transfer
25 processing and compostable material handling facility

1 located on a 5-acre parcel that's intended primarily to
2 receive and process construction and demolition debris and
3 green waste materials, and an in-vessel food composting
4 operation.

5 The facility will have operating hours of 6 a.m.
6 to 6 p.m. Monday through Saturday for the first 6 months
7 of operation following construction, and a 24-hour, 7 days
8 per week operation thereafter. And the proposed new
9 facility will have a permitted maximum tonnage of 980 tons
10 per day.

11 When the proposed permit was initially received
12 at the Board, the California Environmental Quality Act or
13 CEQA document that was prepared for the project had yet to
14 be adopted by the lead agency.

15 As we have indicated in the revised agenda item,
16 the CEQA document was adopted on November 30th, 2005 and
17 board staff now find that all of the requirement for the
18 proposed new permit have been met.

19 And therefore, staff recommends that the Board
20 adopt resolution number 2005-325 concurring with the
21 issuance of Solid Waste Facility Permit Number 30-AB-0395.

22 Ms. Patricia Henshaw the Orange County LEA,
23 program supervisor and Mr. Dean Ruffridge of the CR&R Inc.
24 are here to answer any questions you may have.

25 This concludes my presentation.

1 CHAIRPERSON MULÉ: Thank you, Ted. We do have a
2 speaker, Mr. Paul Relis, so I thought maybe we could hold
3 our questions until we hear our speaker.

4 Paul.

5 MR. RELIS: Thank you, Ms. Mulé -- Chair Mulé and
6 members. My name is Paul Relis and I'm senior vice
7 president of CR&R. We're here for this permit action
8 today after many years of trying to develop recycling
9 infrastructure in south Orange county. As some of you are
10 aware who have been to this part of the state, there has
11 been no development of MRFs and transfer stations, let
12 alone C&D facilities in this south Orange county area near
13 Prima Deshecha Landfill.

14 About 3 years ago, we developed a small pilot
15 demonstration project with the Orange County Integrated
16 Waste Management Department to begin a process of
17 underscoring the importance of managing and recycling C&D
18 materials, because most of it was being landfilled.

19 We established that pilot. Three years have
20 since gone by and fortunately we've been able to negotiate
21 a relationship with Mission Viejo Ranch, which is the
22 owner of the property. We sit within a 40,000 acre ranch
23 property that is designated for major development. Our
24 facility has been designated as part of that development
25 and existing land use.

1 And with this project, we will handle the
2 franchised construction and demolition tonnage that we
3 collect from 6 south county cities. So this will be a
4 very, I hate to use that overworked word, state-of-the-art
5 C&D processing facility. We will be using quite advanced
6 techniques, in that we have designated a small food waste
7 pilot. We're still evaluating exactly which system we
8 might us, but we've designated on the map one such system,
9 and we will also handle green waste at the facility. But
10 we have been seeking a full solid waste permit to give us
11 the flexibility to handle what may come up there.

12 But basically this is a captive facility for our
13 franchise materials. It's not a self-haul facility. And
14 that's been the focus of our effort. That's our
15 understanding with the ranch, and that's how the permit
16 has been put forth. So essentially the impacts we feel
17 are low because our trucks are already going to and from
18 this facility. It's not as if this is a new site. It's
19 immediately adjacent to our truck maintenance yard, and we
20 have only down there a commingled transfer facility for
21 commingled that is collected from those cities curbside
22 and then shipped to our facility.

23 This will be 5 acres immediately adjacent to that
24 facility. And its sole purpose will be to handle
25 initially the C&D and food and green waste.

1 If you have any questions, I'd be happy to try to
2 answer them.

3 CHAIRPERSON MULÉ: Thank you. I think we do.
4 Board Member Peace.

5 COMMITTEE MEMBER PEACE: Yes. The food waste,
6 where is that coming from?

7 MR. RELIS: The food waste --

8 COMMITTEE MEMBER PEACE: And how is it collected?

9 MR. RELIS: Well, we're working with -- it's
10 still in the very early stages. We're working basically
11 with the large resorts in south Orange county. That would
12 be the Ritz-Carlton and the St. Regis hotel. We'll be
13 looking at institutional recovery initially. And we would
14 look at this as a pilot and then seek, if successful, to
15 build on it.

16 COMMITTEE MEMBER PEACE: It says here that the
17 green waste and the wood materials will be chipped and
18 ground up to be used as ADC. And when you have the green
19 waste and you have the wood waste and you have the food
20 waste, you know, the gypsum board from the construction
21 and demolition, I thought that was like the perfect
22 combination of things to use for compost.

23 MR. RELIS: Well, we will be seeking compost
24 markets too. We are working --

25 COMMITTEE MEMBER PEACE: Right, because I see

1 you're right in the middle of an agricultural area.

2 MR. RELIS: Right. We are working with a number
3 of entities for long-term markets for our green waste, as
4 well as our animal bedding. We collect a lot of animal
5 beddings from the stables in San Juan. So we will be
6 looking at -- we are looking at compost markets.

7 As you know, south Orange county, Orange county
8 in general is not an easy area for composting
9 infrastructure. We have very few facilities, several of
10 the ones that we have are -- have recently been terminated
11 as far as their leases go.

12 So that's an ongoing process. Where we can
13 achieve a hit, we will for composting, but we're not
14 certain of our markets there.

15 COMMITTEE MEMBER PEACE: I know that's kind of a
16 problem because they're harder and harder to site, but yet
17 you can -- if you make the ADC at least you get the
18 diversion credit.

19 MR. RELIS: Well, that's not the favorite option,
20 as we all know.

21 COMMITTEE MEMBER PEACE: Right. Thank you.

22 CHAIRPERSON MULÉ: I just have a question on your
23 24-hour operation when you go to that. Could you just
24 describe the specifics of that. Is that going to be, you
25 know, 24 hours of drop off, processing? If you could just

1 go into that.

2 MR. RELIS: I think the best way I could describe
3 that is it's basically a 6 to 6 operation. The 24 hour
4 framework is put in purposely for backup situations. We
5 have the holiday periods. We have basically times when we
6 may have an emergency there. We're in a high fire hazard
7 area. We want to be able to process, if we have to.

8 But generally speaking, this is going to be a 6
9 a.m. to 6 p.m. operation 6 days a week. And that's how we
10 intend to do it, but we wanted to preserve the flexibility
11 and not have to come back for any kind of emergency
12 approvals.

13 CHAIRPERSON MULÉ: Okay. And then one more
14 question regarding the fact that you'll be accepting
15 material from your own franchise cities. Do you ever
16 anticipate opening up this facility to self haul to the
17 public, because, again, as you mentioned earlier, there's
18 a need for these types of facilities in south county.

19 MR. RELIS: Well, our thinking on that went that
20 while that may be a need, it's -- it presents different
21 traffic pattern challenges for the facility. And we felt
22 in our discussions with the ranch that this is where we
23 would be for now. In the future, depending on what
24 happens with self haul and C&D, there may be a need to
25 change that. But at this point, this is what we think is

1 our profile for the next number of years.

2 CHAIRPERSON MULÉ: It's a good to start.

3 MR. RELIS: Yes.

4 CHAIRPERSON MULÉ: Are there any other questions?

5 Do I have a motion?

6 COMMITTEE MEMBER PEACE: I'd like to move

7 Resolution number 2005-325 revised.

8 COMMITTEE MEMBER WASHINGTON: Second.

9 CHAIRPERSON MULÉ: We have a motion by Board

10 Member Peace seconded by Board Member Washington.

11 Donnell, please call the roll.

12 SECRETARY DUCLO: Members Peace?

13 COMMITTEE MEMBER PEACE: Aye.

14 SECRETARY DUCLO: Washington?

15 COMMITTEE MEMBER WASHINGTON: Aye.

16 SECRETARY DUCLO: Chair Mulé.

17 CHAIRPERSON MULÉ: Aye.

18 That passes unanimously, and we'll put that on

19 consent.

20 Thank you, Mr. Relis.

21 MR. RELIS: Thank you.

22 CHAIRPERSON MULÉ: Okay. Our next item is

23 Committee Item C, Board Agenda Item 3. I'm sorry that was

24 pulled. It's 5. I'm sorry. It's Committee Item E, Board

25 Agenda Item 5.

1 And we have Mr. Scott Walker.

2 DEPUTY DIRECTOR LEVENSON: Correct, Madam Chair.

3 And that's entitled Consideration of New Projects For The
4 Solid Waste Disposal and Codisposal Site Cleanup Program
5 using funding from the Solid Waste Disposal Trust Fund
6 fiscal year 2005/2006.

7 Scott Walker is going to make this presentation.
8 And as you know this particular site has been a very high
9 profile site in the Los Angeles -- the Northern Los
10 Angeles County area for the last several months. And
11 we're trying to be responsive here to the County and very
12 carefully carve out our role on this site. So with that,
13 I'll turn it over to Scott.

14 (Thereupon an overhead presentation was
15 Presented as follows.)

16 REMEDICATION, CLOSURE & TECHNICAL SERVICES BRANCH
17 MANAGER WALKER: Good morning. This item considers
18 approval of the Smith and Thompson illegal disposal site
19 for a board managed cleanup project. The site is located
20 in Lancaster. It's a high desert area in LA county. It's
21 in an area of mixed light industrial and rural residential
22 land use.

23 This site was operated as a waste collection
24 hauling transfer and processing business involving grease
25 trap pumpings, septage pumping wastes, and then also solid

1 wastes where blending is believed to occur with some of
2 the grease trap and septage pumping wastes, and other
3 hazardous and nonhazardous liquid and solid wastes.

4 Again, as Howard mentioned, there's been
5 significant recent public complaints and media interests.
6 And there's been extensive agency involvement and
7 coordination on this site. Many agencies have been
8 involved, and a prominent role is being played by the LA
9 County LEA. And, at their request, the Board Solid Waste
10 Cleanup Program is providing assistance.

11 --o0o--

12 REMEDICATION, CLOSURE & TECHNICAL SERVICES BRANCH
13 MANAGER WALKER: Just give you a brief summary of the
14 enforcement activities at the site. Initially, the LA
15 County Sanitation Districts discovered that there was some
16 illegal discharge of liquids into the sewer system between
17 November 2003 and December 2004. These wastes were
18 tracked to this facility and the operators and they --
19 these types of wastes, they basically would take these
20 wastes and then they would just basically dump them in a
21 manhole essentially to avoid costs associated with it.
22 And when that stuff goes into the sewer system, it's a
23 very -- you know, unless the treatment plant is designed
24 to handle these types of wastes in a controlled manner, it
25 causes a significant problem with the wastewater treatment

1 plant. And this was the case with these materials.

2 There was a subsequent criminal investigation by
3 DTSC and resulted in the arrest of one of the co-owners
4 and a driver for 36 felony hazardous waste charges in
5 September 2005. And a criminal prosecution is being
6 pursued at the present time by the LA County D.A.'s
7 Office.

8 In November, 2005, the LEA issued Notice and
9 Orders against the property owners and operators. We have
10 2 companies that are operators and then there are 2 main
11 land owners associated with this site. And the Notice and
12 Orders require cleanup by December 16th, and ceasing of
13 the ongoing solid waste activities that have occurred at
14 the site.

15 And then recently on November 3rd, there was an
16 injunction issued essentially as a result of legal action
17 by the adjacent property owners. And this injunction
18 prohibits any further illegal dumping at the site and also
19 transfer of the waste to the local Lancaster Landfill.

20 --o0o--

21 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH
22 MANAGER WALKER: Current site conditions. This shows --
23 this material, the solid waste material, what it is is
24 there's about 700 cubic yards of this material. It's
25 pumice. It's a natural rock product that's been used in

1 the manufacturing process for stonewash jeans. And it's
2 in windrows piles up to 8 feet in height. And it's
3 suspected that the septic and grease trap and other wastes
4 are essentially mixed with this pumice material stockpiled
5 on the property.

6 And this material has resulted in significant
7 complaints from the neighbors from the dust that blows off
8 of it burning their eyes and making breathing difficult.
9 And then also there's a tremendous problem with
10 objectionable odors from the site.

11 There are also other wastes improperly stored and
12 disposed of. There's nonhazardous and hazardous liquid
13 and solid wastes. There's 55 gallon drums. And, again,
14 we're working with those agencies with jurisdiction over
15 the hazardous wastes to coordinate. The site constitutes
16 a confirmed condition of nuisance and pollution and
17 therefore it would be a Priority A1 under the program
18 based on the threat to public health and safety.

19 --o0o--

20 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH
21 MANAGER WALKER: This next photo is really bad, but I just
22 wanted to illustrate the closeness to the fenceline and
23 there's some stuff outside of the fenceline of this pumice
24 material.

25 --o0o--

1 REMEDICATION, CLOSURE & TECHNICAL SERVICES BRANCH

2 MANAGER WALKER: Quickly going through the scope of the
3 proposed project. Essentially, should the Board approve
4 this project, and obviously our intent is to provide this
5 additional leverage on the property owners and the
6 operators to cleanup the sites themselves, so we still
7 have an expectation that that would occur. And this -- in
8 other cases of the cleanup program site, we believe this
9 is a good case again for some of the additional leverage
10 associated with the cleanup project.

11 However, the Board would be prepared to proceed
12 with the cleanup as soon as possible should the RPs fail
13 to do it. And then the LEA and the County would help us
14 establish the access through additional legal action, if
15 necessary.

16 Based on the further waste characterization by
17 the Board's contractor, the material would be loaded and
18 transported to the appropriate facility for disposal. And
19 we have a conservative initial estimate of cost of
20 approximately 250,000.

21 Again, within the scope we wanted to point out
22 that the Board will be deferring to the other agencies
23 namely DTSC, the County Hazardous Materials Program and
24 possibly EPA for any cleanup activities outside the
25 Board's scope and authority. And this would include known

1 RCRA hazardous waste -- essentially, federally regulated
2 hazardous wastes at the site -- as well as completion of
3 any extensive soil or groundwater investigations, and, if
4 necessary, evaluation of the site for final remedy as a
5 hazardous substance release site. That's not within the
6 Board's jurisdiction and therefore that's not in our scope
7 and that's the responsibility of these other agencies.

8 The Board staff will continue to work closely
9 with all these agencies to ensure that the efforts are
10 pursued against all responsible parties, and that
11 potential cleanup activities affect timely resolution of
12 all the issues on the site. And, essentially, the Board's
13 remediation efforts would be compatible with those other
14 agencies and we would, to the extent we can, facilitate
15 their activities should they be necessary after the
16 board's cleanup.

17 --o0o--

18 REMEDICATION, CLOSURE & TECHNICAL SERVICES BRANCH
19 MANAGER WALKER: Cost recovery would be applicable on this
20 site. And we can discuss if you'd like in a little more
21 detail. Steve Levine is here and probably just leave it
22 to your questions on that.

23 I guess with that I'd like to conclude the
24 presentation. And essentially staff finds the site meets
25 applicable program criteria and we recommend adoption of

1 Resolution 2005-328 to approve the cleanup project with
2 cost recovery.

3 We have a letter from the County Board of
4 Supervisors that we've handed to the Board and Committee
5 Members. And with that, I'll leave it up to questions
6 from the Committee.

7 CHAIRPERSON MULÉ: Thank you, Scott.

8 Are there any questions?

9 Board Member Washington.

10 COMMITTEE MEMBER WASHINGTON: Thank you, Madam
11 Chair.

12 Scott, who discovered this site? Was it the LA
13 County Health Department or did someone report it?

14 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH
15 MANAGER WALKER: Yeah, I think that -- initially it
16 appears that it was the LA County Sanitation Districts
17 that operates the wastewater treatment plant. And they
18 traced problems in their treatment plant up to these
19 operators, and there was a criminal investigation. And
20 eventually that brought, you know, everybody's attention
21 on that actual property and the 2 businesses that were
22 involved.

23 The public, too, at the same time was getting
24 quite concerned about the site, and so that added to the
25 identification and the enforcement.

1 COMMITTEE MEMBER WASHINGTON: Okay. Yeah, I saw
2 it on the news when they arrested those folks down in LA.

3 CHAIRPERSON MULÉ: Any questions, Board Member
4 Peace?

5 COMMITTEE MEMBER PEACE: So the site is closed
6 down right now.

7 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH
8 MANAGER WALKER: Right now there's an injunction and
9 there's no authorization for any further activities
10 relating to solid waste.

11 There is some question about some of the hauling
12 business aspect of this company and some of the hazardous
13 waste licensing. And there is another -- the injunction
14 that was issued at the present time it appears to severely
15 constrain the ability for them to operate any business
16 associated with waste handling. And I think we're pretty
17 confident that that injunction really establishes a good
18 added hammer to prevent further activity.

19 I think we still, if the Board ends up having to
20 clean it -- to clean this site up, we're still going to
21 have to rely on the public and also on the LEA to check up
22 on it to make sure some of these activities don't start up
23 again. And a lot of the, you know, the hazardous -- the
24 CUPA agency with the County Fire Department is also
25 interested in keeping up and checking up on the site.

1 COMMITTEE MEMBER WASHINGTON: Good.

2 COMMITTEE MEMBER PEACE: And Steve will be going
3 after cost recovery.

4 STAFF COUNSEL LEVINE: Yes.

5 CHAIRPERSON MULÉ: Okay. Any other questions?
6 Do I hear a motion?

7 COMMITTEE MEMBER WASHINGTON: I'd like to move
8 adoption of Resolution 2005-328.

9 COMMITTEE MEMBER PEACE: Second.

10 CHAIRPERSON MULÉ: We have a motion by Board
11 Member Washington seconded by Board Member Peace.

12 Would you please call the roll?

13 SECRETARY DUCLO: Members Peace?

14 COMMITTEE MEMBER PEACE: Aye.

15 SECRETARY DUCLO: Washington?

16 COMMITTEE MEMBER WASHINGTON: Aye.

17 SECRETARY DUCLO: Chair Mulé?

18 CHAIRPERSON MULÉ: Aye.

19 That passes unanimously and that can be put on
20 fiscal consent.

21 DEPUTY DIRECTOR LEVENSON: I believe it can be
22 put on consent because we already have the funding
23 available for the court.

24 CHAIRPERSON MULÉ: Oh, because they're already
25 encumbered.

1 CHAIRPERSON MULÉ: All right. Then we will move
2 that to consent.

3 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
4 Chair. I do want to mention that Scott indicated, you
5 know, typically on some of these Board managed cleanup
6 projects, we hope that the action of the Board in
7 authorizing the cleanup, which is going to be more costly
8 to the property owners, you know, moves them to clean it
9 up themselves. But should they not, you know, we'll be
10 working to go onto the site. We haven't been on the site
11 yet to do a --

12 COMMITTEE MEMBER WASHINGTON: How much
13 approximately would it cost the owners to clean it up?
14 Does anybody have a number?

15 DEPUTY DIRECTOR LEVENSON: You mean beyond the
16 solid waste aspects. I'm not sure. Scott, do you any
17 idea?

18 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH
19 MANAGER WALKER: We don't have a final figure on that.
20 We're working with the other agencies at the present time
21 to establish that.

22 COMMITTEE MEMBER WASHINGTON: Okay. All right.

23 CHAIRPERSON MULÉ: Thanks again.

24 Okay, our next item is Committee Item F and Board
25 Item 6.

1 Howard.

2 DEPUTY DIRECTOR LEVENSON: Board Item 6 is a
3 lengthy title. I'll read it into the record.
4 Consideration Of The Allocation of Additional Funds To
5 Expand Training For Local Enforcement Agencies And
6 Facility Operators And Discussion And Request For
7 Direction Regarding The Termination Of The Development Of
8 Proposed Regulations For The Mandatory Training And
9 Certification Of Landfill Operators, with funding from the
10 Integrated Waste Management Account fiscal year 2005/2006.

11 Before I introduce staff, I do want to indicate
12 that this item is the culmination, we hope, of a lengthy
13 series of discussions that have gone on over the last
14 couple years regarding the issues of certification of
15 landfill operators and what kind of training should be
16 provided to both operators and inspectors.

17 And as Mindy will briefly indicate, we've had a
18 number of different workshops and interactions and
19 hopefully we're coming to you with something that
20 represents a broader consensus amongst the various
21 stakeholders.

22 So with that, I'll turn it over to Mindy Fox to
23 make the primary presentation.

24 (Thereupon an overhead presentation was
25 Presented as follows.)

1 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

2 SUPERVISOR FOX: Thanks, Howard.

3 For the record, I'm Mindy Fox. I'm manage the
4 LEA Training and Outreach Section. And we're here today
5 to talk about 2 primary very related issues. Should the
6 Board expand its LEA training program to include facility
7 operators and provide a broader range of topics. And very
8 related to that is a conversation that's been ensued over
9 the last several years, should mandatory certification
10 also be required.

11 And this agenda item presentation will summarize
12 the feedback that we've received on these issues over the
13 last several years.

14 --o0o--

15 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

16 SUPERVISOR FOX: To address these issues, I think I need
17 to go over some mandates that currently exist. PRC 42500
18 mandates that the Board provide training to LEAs regarding
19 changes in State or federal regulations, new technologies
20 affecting solid waste landfill operations and other
21 matters which will enhance their ability to carry out
22 their responsibilities.

23 We all know the plethora of regulations that have
24 come down the pipeline at us, to us, for us, et cetera
25 over the last several years. We don't necessarily see

1 that slowing down, so I don't predict that the needs for
2 training will diminish.

3 LEA's also have some mandates regarding training.
4 Each LEA program in its enforcement program plan, also
5 known as the EPP, is mandated to identify specific
6 training requirements beyond those that are provided for
7 Registered Environmental Health Specialists.

8 And if the LEA is found deficient in any of the
9 areas that they're required to implement, the Board can
10 follow a regulatory defined process to take action over
11 that LEA and require specific training. Operators also
12 have training related -- mandates related to training.
13 Each operator is responsible for assuring that his or her
14 facility maintains compliance with State minimum
15 standards, including a standard that requires site
16 personnel to be trained.

17 Any condition or problem at a site involving a
18 lack of compliance with operational State minimum
19 standards that can be linked to a lack of training can be
20 cause for the LEA to issue a violation under the
21 appropriate standard for training.

22 As follow-up, the LEA can require that operator
23 to acquire the requisite information needed to correct the
24 lack of compliance via training or any other appropriate
25 matter.

1 --o0o--

2 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

3 SUPERVISOR FOX: So there's existing mandates for LEAs
4 Board staff and operators that require training currently
5 on the books.

6 A little bit of history, because as Howard
7 indicated, this has been going on for many years. In 1996
8 the Board entered into a partnership with CCDEH and EAC,
9 that's California Council of Directors of Environmental
10 Health and the Enforcement Advisory Council to implement a
11 formal LEA training program. At the time that led to
12 permanent funding of the LEA training program out of a
13 portion of the LEA training dollars -- excuse me, LEA
14 grant dollars. And that amount was set at 96,000 and was
15 obtained through a BCP in 1998.

16 In 1999 the Board embarked on a 4-year pilot
17 landfill operations training certification program and
18 then signed an MOU with SWANA in 2000. The intent of the
19 pilot was to train LEAs and operators together to provide
20 California specific landfill operation information and
21 investigate the requiring of mandatory certification for
22 LEAs, operators and/or inspectors.

23 --o0o--

24 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

25 SUPERVISOR FOX: A little more history. Currently --

1 well, over the years and still our training includes a
2 focus on compliance with State minimum standards because
3 the LEAs are responsible for the enforcement of these
4 requirements. LEAs typically implement a balanced
5 approach of operator education and assistance long with
6 enforcement actions when necessary.

7 This approach is most effective when based on a
8 sound training. As mentioned, we receive funding of the
9 96,000 from the LEA grants for the LEA training program.
10 These funds are required to be spent on local government
11 only. They have not routinely supported operator
12 training, so LEAs and inspectors are our usual target
13 audience.

14 Operators have been invited to the pilot operator
15 certification courses that were held in the past, of
16 course, and any others that we've offered since then,
17 where the topic lends itself to having operators,
18 inspectors and LEAs in the room at the same time.

19 And each year we release a training survey. We
20 tally the responses, and then we form our training plan
21 according to the results. If it's decided to expand the
22 current LEA training program to more systematically
23 include operators, we will of course include operators in
24 that training survey and use their feedback accordingly.

25 --o0o--

1 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

2 SUPERVISOR FOX: At the end of the 4-year pilot with
3 SWANA, the Board directed staff to initiate informal rule
4 making on mandatory certification. And as a result of
5 that, numerous workshops and meetings were conducted to
6 receive stakeholder input. It was discussed up and down
7 the state at a variety of roundtables, at a variety of EAC
8 meetings, solid waste policy committee meetings with CCDEH
9 and numerous workshops.

10 And then we held our last workshop in September
11 2005. And we're here today to share those findings. And
12 as Howard indicated, that's a culmination of several years
13 worth of feedback in a variety of venues.

14 --o0o--

15 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

16 SUPERVISOR FOX: We received consistent messages at all of
17 the meetings, workshops, roundtables, et cetera. And our
18 stakeholders said the Board should offer training that
19 brings LEAs, facility operators and State inspectors
20 together for dialogue and common knowledge. We should
21 offer a menu of courses utilizing both in-house staff,
22 other Cal EPA staff and consultants, including SWANA and
23 universities. And thirdly we heard loud and clear, we
24 need to offer topics that encompass all solid waste
25 facilities types, not just landfills, including transfer

1 stations, construction, demolition and inerts and
2 compostable materials.

3 --o0o--

4 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

5 SUPERVISOR FOX: We also heard we should offer cross-media
6 topics and work with other state agencies to do so. We've
7 done that in the past. We will continue to do it in the
8 future when the topic lends itself to it. A prime example
9 would be future training on universal waste, should any
10 new regulatory action come out of DTSC that would be a
11 good example.

12 We also heard that the rule making for mandatory
13 certification for landfill managers and inspectors should
14 be discontinued. It is felt that existing mandates for
15 training, and that's for LEAs, operators and board staff,
16 currently exists. And that the current training structure
17 can allow the Board to achieve its training goals without
18 the development of any new regulations.

19 Lastly, the majority of stakeholders have
20 indicated there's no need to mandate specific training
21 classes, but instead our training programs should support
22 other certifications such as SWANA's Manager Of Landfill
23 Operations Cert and the Registered Environmental Health
24 Specialist certification.

25 And, by the way, we can easily do this. We

1 already do it. Just in the last year alone, we've -- our
2 classes have offered a total of 42 CEUs just this year.
3 And to maintain your MOLO Cert, you need 30 CEUs over a
4 3-year period. So we're in a fine position to support
5 that SWANA certification.

6 --o0o--

7 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION
8 SUPERVISOR FOX: And lastly, a little bit more additional
9 feedback. We also heard and recognized from firsthand
10 experience that over the years the numbers, types and
11 complexities of solid waste facilities regulated by the
12 Board have increased dramatically. This is due partly to
13 the development of regulations over the last several years
14 related to compostable organic materials and C&D.

15 However, the Board has not commensurably
16 increased resources devoted to training. Funding has
17 remained static at \$96,000 for closed to 10 years, and
18 it's earmarked only for LEA training not operators.

19 If we intend to meet the needs described to us at
20 all of the workshops and meetings, et cetera by expanding
21 the current training program, additional resources will be
22 needed. We'll need resources to hire technical experts,
23 develop curriculum, hire instructors. We need additional
24 funds to offer the classes more frequently and in more
25 locations.

1 --o0o--

2 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

3 SUPERVISOR FOX: So a newly expanded training program is
4 being proposed. And we've been careful to craft the plan
5 so it's consistent with the Board's Enforcement and
6 Training Action Plan and with Cal EPA's regional
7 Cross-Media Training Program Committee. A heck of a long
8 name there.

9 --o0o--

10 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

11 SUPERVISOR FOX: Basically, based on the feedback, we've
12 designed an expanded training program that will meet the
13 increasing needs of LEAs and more systematically encompass
14 operators.

15 The expanded program is very much like what we
16 currently do, but it improves on the status quo because
17 our audience is currently composed primarily of LEAs and
18 currently has a more limited range of course offerings.
19 I'd like to really briefly describe what the expanded
20 program could look like.

21 First, we're suggesting that all participants
22 take a prereq course, such as Cal EPA's Basic Inspector
23 Academy or something like SWANA's Management Of Landfill
24 Operations class.

25 --o0o--

1 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

2 SUPERVISOR FOX: And then we would offer a variety of core
3 classes. Operators and LEAs should take what's
4 appropriate based on their jurisdictional needs and what
5 is described in their injury and illness prevention plans
6 and enforcement program plans. Core classes could include
7 but not be limited to everything you see on your screen,
8 State minimum standards, operational practices, permit
9 issues, health and safety, statute and regs and inspection
10 and enforcement basics.

11 --o0o--

12 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

13 SUPERVISOR FOX: And then we would like to offer an array
14 of electives and those would change, you know, year to
15 year, based on the needs survey and things that come up.
16 And the list of electives is there right before you. And
17 all of these classes, as mentioned, would offer continuing
18 Education units. And just to point out a couple, you
19 know, load checking has been offered in the past. It's
20 very successful. It continues to be a hot topic. We
21 should do it again.

22 Alternative Daily Cover, illegal dumping are
23 always a hot issue. You know, we could train on it once a
24 year and probably not stay on top of it.

25 --o0o--

1 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

2 SUPERVISOR FOX: So to offer what was just summarized, we
3 estimate that 150,000 additional dollars are needed. This
4 can result in 3 to 5 additional courses being offered per
5 year in 3 to 5 cities. So that translates into 9 to 25
6 new classes added to our current training schedule.

7 These numbers would depend on the number of
8 venues each course was offered in, how many days each
9 course runs, cost of course development, a variety of
10 factors that everybody's pretty familiar with, I imagine.
11 This is a very safe estimate.

12 The increase in class numbers would also change
13 if funds were devoted to other related training efforts,
14 such as curriculum translation and web development.

15 Our goal is to get all our classes available on
16 the web. We're currently doing that for some of our prior
17 classes and intend to do it for all future classes.

18 --o0o--

19 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

20 SUPERVISOR FOX: This expanded training program is neither
21 bare bones nor extravagant. It's feasible to implement
22 and it will meet the majority of needs of all of our
23 stakeholders. As mentioned, all of our classes would
24 offer CEUs in support of SWANA's MOLO certification and
25 REH certification. The courses would typically continue

1 to be free to LEAs and a small fee would be charged to
2 operators.

3 --o0o--

4 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

5 SUPERVISOR FOX: So we are recommended approval of Option
6 1, and you direct staff to implement an expanded joint
7 training program for LEAs, facility operators and
8 inspectors; allocate \$150,000 in funding from unexpended
9 fiscal year 05/06 IWMA funds; direct staff to discontinue
10 the rule making on mandatory cert requirements for
11 landfill operators and inspectors; and direct the
12 executive director to determine the mandatory contract
13 funding for an expanded program in future years at a level
14 not to exceed \$150,000 per year. That's Option 1, quite a
15 mouthful I know.

16 And Option 2 and 3 are variations of that theme.
17 And option 4 is do none of the above and provide other
18 direction to us.

19 So are there any questions?

20 CHAIRPERSON MULÉ: I'm sure we have questions,
21 but we also have some speakers, so I'd like for us to hear
22 our speakers first.

23 First of all, this morning I received an E-mail
24 from Larry Sweetser representing the Rural Counties. And
25 I just want to read his E-mail. It's rather short. I

1 want to read it into the record.

2 It says, "I am unable to attend this
3 morning's Committee meeting. But on
4 behalf of the Rural Counties
5 Environmental Services Joint Powers
6 Authority, I did want to request that as
7 the Board develops or schedules training
8 classes that you conduct some of the
9 courses in rural areas.

10 As demonstrated in the tires issues
11 rural MOLO trainings in 2004 that we
12 organized with the Board, there is a
13 need in the rural areas for training.
14 Strategically located sessions can
15 greatly assist our rural members in
16 their compliance efforts and it provides
17 the opportunity to address the unique
18 rural area needs.

19 Thank you for your consideration of
20 this request. Please let us know if
21 there are any questions or if we can
22 assist in these efforts."

23 So that's for the record. And our first speaker
24 I have Patty Henshaw.

25 MS. HENSHAW: Patty Henshaw with the Orange

1 County LEA, also speaking on behalf of Bill Prinz Chair of
2 the EAC.

3 And we just wanted to express our support for
4 Option 1. I've been with the LEA program since '92, so
5 I've watched this program grow. I think it's excellent.
6 It always gets better. And including operators in
7 training has made a big impact. You can just see the
8 cooperation between the LEA and the operators, operators
9 understanding what we're doing and why we're doing what
10 we're doing, and becoming part of the goal to be in
11 compliance.

12 So I think with training and, of course, our
13 monthly inspections, I think it really does help bring
14 compliance at our facilities.

15 Thank you.

16 CHAIRPERSON MULE: Thank you, Patty.

17 Our next speaker is Justin Malan.

18 MR. MALAN: Good morning, Madam Chair and
19 Members. I was just going to -- this is Justin Malan with
20 CCDEH. It was going to be a, "just a me too" But I've
21 got to say one thing, you know, lobbyists can't keep their
22 mouths shut.

23 But actually what we really wanted to do was
24 commend the Board and Board staff. This is an exemplary
25 program. In fact, I never thought I'd see or hear an

1 environmental health director say, "Thank, God for the
2 Waste Board." And, you know, "I wish the Department of
3 Health Services would see what they're doing on their
4 training."

5 Honestly, with all jokes aside, it's a phenomenal
6 program. It's been very well presented to the LEAs. We
7 appreciate all the effort that you put into it. We fully
8 support Option 1. We do want to just stress that the
9 support of the REHS program, the Registered Environmental
10 Health Specialist program, is very important. That's the
11 sort of core staff training that you get as an
12 environmental health person. And by having the CEU's
13 support that program, it really bolsters it.

14 So, again, congratulations to you all and we
15 offer you our fullest support.

16 COMMITTEE MEMBER WASHINGTON: I have a question,
17 Justin. I'm just curious, in terms of the mandatory, why
18 wouldn't you want to have mandatory training for your
19 LEAs?

20 MR. MALAN: Well, actually our association did
21 support it when the proposal was first aired.

22 COMMITTEE MEMBER WASHINGTON: I remember that
23 yeah.

24 MR. MALAN: And I think a lot of -- there are a
25 lot of reasons why not. One is a cost reason. One is the

1 fact that we already have registered environmental health
2 specialists. Another one is the concern with the cross
3 over with the MOLO enforcing certification. Our
4 association is happy whether it's mandatory or not. But
5 we do feel that with the program that you have, a sort of
6 voluntarily program is going to be excellent and it will
7 be adequate.

8 COMMITTEE MEMBER WASHINGTON: And when you say
9 the financial issue, who is the burden on?

10 MR. MALAN: Well, the cost associated with doing
11 mandatory training, there's quite a lot of turnover. And
12 just keeping a mandatory training program fully in effect
13 is costly not only to the Board but to the local agencies.

14 COMMITTEE MEMBER WASHINGTON: Okay, thanks.

15 CHAIRPERSON MULÉ: Okay. Our next speaker is
16 Evan Edgar.

17 MR. EDGAR: Madam Chair and Board Members, Evan
18 Edgar on behalf of the California Refuse Removal Council.
19 I am MOLO trained since 1991. We support Option 1. We
20 like the expanded funding. The best part about it is the
21 common training where where appropriate the operators
22 could be in the same room as the LEAs and they get common
23 messages about typical programs. And it's been a great
24 program and we support Option 1.

25 Thank you.

1 CHAIRPERSON MULÉ: Thank you.

2 And we also have John Abernethy.

3 MR. ABERNETHY: Thank you. Today I'm speaking on
4 behalf of the Solid Waste Association of North America and
5 the County of Sacramento operating one of the larger
6 landfills in the State.

7 We can support Option 1, although we are
8 certainly disappointed that certification for operators
9 and for LEAs is not included in the package. I hope
10 there's an opportunity to continue to discuss this and
11 bring it before your board.

12 We think it's vital to the professionalization of
13 our industry, to ensuring to the public that facilities
14 are operated. Most facilities are even operated by, you
15 know, registered civil engineers. And as operators in our
16 association we have supported certification from day 1,
17 almost for the last 10 years that I'm aware of.

18 We think it is a positive step that funding will
19 be increased and that operators will be included. That's
20 a very positive step. We're encouraged that other
21 agencies, such as SWANA and the other programs that exist
22 are in the package. And we hope the Board utilizes that
23 to the full extent. There's a lot of knowledge and
24 experience out there. And we think it's important that
25 operators be part of both the learning and the teaching

1 process.

2 So those are our comments.

3 Thank you.

4 CHAIRPERSON MULÉ: Thank you very much.

5 COMMITTEE MEMBER WASHINGTON: Was I clear, did
6 you say you can't support Option 1 or you can?

7 MR. ABERNETHY: We will support Option 1.

8 COMMITTEE MEMBER WASHINGTON: Oh, you can. Okay.

9 CHAIRPERSON MULÉ: Board Member Peace, questions?
10 Just for staff.

11 COMMITTEE MEMBER PEACE: Okay. So reading
12 through this, SWANA has several certification
13 opportunities for people for collection, composting,
14 construction and demolition. But none of these are
15 mandatory. So it's all voluntary? If you want to get
16 MOLO certified on any these, it's all voluntary.

17 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION
18 SUPERVISOR FOX: Yeah, that's true. They offer a variety
19 of certifications. They are voluntary. And our CEUs
20 support those certifications that people choose to become
21 certified in.

22 COMMITTEE MEMBER PEACE: How about the REHS, is
23 that --

24 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION
25 SUPERVISOR FOX: That's mandatory.

1 COMMITTEE MEMBER PEACE: That is mandatory.

2 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

3 SUPERVISOR FOX: Under Department of Health Services.

4 COMMITTEE MEMBER PEACE: So there are classes and
5 stuff, they have to be registered certified and take
6 classes, that's all mandatory?

7 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

8 SUPERVISOR FOX: Yeah. And we're suggesting that our
9 classes could offer CEUs that support the REHS
10 certification.

11 COMMITTEE MEMBER PEACE: Okay. So to keep their
12 REHS certification, that's why they need the continuing
13 education units?

14 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

15 SUPERVISOR FOX: Yes.

16 COMMITTEE MEMBER PEACE: But the SWANA program,
17 they wouldn't really need to --

18 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

19 SUPERVISOR FOX: They need to maintain their certification
20 by 30 units over 3 years. And if they let their
21 certification lapse, they need to take a course again or
22 actually they could opt out of taking the course, but they
23 need to pay funds and take the test again to become
24 recertified. And that's just for landfills actually.

25 COMMITTEE MEMBER PEACE: But again it's

1 voluntary.

2 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

3 SUPERVISOR FOX: Yeah, you don't have to be certified in

4 MOLO in the Manager Of Operation -- Manager of Landfill

5 Operations. I'm so used to saying MOLO. Yeah, sorry.

6 COMMITTEE MEMBER PEACE: Do most of our landfills

7 have a MOLO certified operator?

8 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

9 SUPERVISOR FOX: I think it's about 50/50 from what we've

10 heard, right?

11 MR. ABERNETHY: About 70 percent have certified

12 staff.

13 TRAINING, OUTREACH & SPECIAL ASSISTANCE SECTION

14 SUPERVISOR FOX: Thanks.

15 COMMITTEE MEMBER PEACE: And one of other

16 question about you said we have a BCP for \$96,000 and

17 we're going to up this to 150. I guess I don't understand

18 all this BCP. Do we have to go out again to get a BCP for

19 150,000?

20 DEPUTY DIRECTOR LEVENSON: No, ma'am. The

21 \$96,000 is part of a BCP from 1998. So that's kind of an

22 ongoing line in the budget. This would be -- for funding

23 for LEAs. This would be taking \$150,000 out of the

24 Integrated Waste Management Account on a yearly basis at

25 the Board's direction. And that could be used -- since

1 it's from the IWMA, it could be used more broadly to
2 support both LEA and operator related activities.

3 COMMITTEE MEMBER PEACE: Okay.

4 CHAIRPERSON MULÉ: Board Member Washington, do
5 you have any questions?

6 COMMITTEE MEMBER WASHINGTON: No.

7 CHAIRPERSON MULÉ: Okay. First of all, I just
8 want to say a few things. I want to thank our staff Mindy
9 and Sharon specially, and, of course, Howard for all of
10 your work in this area. This has been an ongoing process
11 as we all know. And I think that, as a result of the
12 extensive discussions that we've had with our
13 stakeholders, I think that we've -- you all have come up
14 with a great program in terms of looking at some core
15 courses and elective courses.

16 Also, you know, there are some existing training
17 mandates that are out there as Mindy mentioned. So, in my
18 mind, training is somewhat mandatory to a certain degree.
19 So that to me addresses that issue.

20 Also, as you stated, Mindy, you know, waste and
21 recycling has become much more specialized. I know in the
22 years that I've been involved in this industry, it's been
23 becoming increasingly specialized, and, therefore, the
24 need for training becomes greater, in my mind, to address
25 the specialization.

1 And also, I think with greater training we're
2 going to have better compliance -- greater compliance.
3 And this program, I think, ties in very nicely with the
4 Cal EPA enforcement initiative, which I know many of you
5 sit on a number of committees and I know Mark Leary our
6 Executive Director is extensively involved. And, again, I
7 think that \$150,000 is a wise investment on the part of
8 this Board in terms of providing training, which again
9 will in turn provide greater compliance.

10 So I wholeheartedly support Option 1. And,
11 again, I just want to thank staff. I want to thank all
12 the stakeholders for your input on this. It has been a
13 lengthy process. As far as the issue of certification, I
14 think that that's something that maybe we could look at in
15 2 or 3 years. I think this is a great first step in
16 formalizing our training and making it a little bit more
17 structured than it has been. And we can always revisit
18 the issue of certification down the road.

19 So that concludes my comments.

20 And do I have a motion to approve?

21 COMMITTEE MEMBER WASHINGTON: And, Madam Chair,
22 just before you do that, let me just add to that, while I
23 will support this, mandatory is always a more comfortable
24 position for me on this side of the table. I guess that's
25 with anything in whatever business you're in. We have a

1 lot of issues at our landfills, and we want to make sure
2 that folks are properly trained that are out there
3 operating landfills.

4 And a part of mandatory is that you will get the
5 best results out of people because it's mandatory. So
6 while we don't have that in place, I do believe I won't be
7 here to see it, but I believe that once you guys complete
8 this process of this program, I hope that it does provide
9 an opportunity for you to look at this again as it relates
10 to mandatory, you know, operations for MOLO and others to
11 operate our landfill, and I will certainly -- I think that
12 you're on the right track and just keep up the good work.

13 CHAIRPERSON MULÉ: Thank you.

14 COMMITTEE MEMBER PEACE: I just had one other
15 question. You were saying like 70 percent of the landfill
16 operators then are certified under SWANA?

17 MR. ABERNETHY: They will have someone certified
18 on staff.

19 COMMITTEE MEMBER PEACE: And the 30 percent that
20 aren't, they choose not to because of costs?

21 COMMITTEE MEMBER WASHINGTON: You'll have to come
22 back to the mic.

23 DEPUTY DIRECTOR LEVENSON: While John is coming
24 up and I don't certainly have a list right in front of me
25 of who has MOLO certification or not, but you know a lot

1 of the large operators have their own training programs,
2 so they may not have a MOLO certified or there may be
3 other training venues that are available.

4 COMMITTEE MEMBER PEACE: So we feel confident
5 they have somebody that's qualified to do it?

6 DEPUTY DIRECTOR LEVENSON: Yeah. As an LEA goes
7 out to a facility, it's going to be looking at the
8 training program. And obviously if there's any violations
9 and it's related to lack of training or lack of oversight,
10 that has to be tackled right away.

11 MR. ABERNETHY: Yeah. I pretty much agree.
12 Mostly it would be smaller systems that operate with very
13 few people and they'll either have someone in management
14 over at there that certainly may be certified. But most
15 large operators clearly have certified operators.

16 CHAIRPERSON MULÉ: Okay.

17 COMMITTEE MEMBER PEACE: Okay. With that, I'd
18 like to move Resolution Number 2005-329.

19 COMMITTEE MEMBER WASHINGTON: Second.

20 CHAIRPERSON MULÉ: Okay. I have a motion by
21 Board Member Peace and seconded by Board Member
22 Washington.

23 Would you please call the roll.

24 SECRETARY DUCLO: Members Peace?

25 COMMITTEE MEMBER PEACE: Aye.

1 SECRETARY DUCLO: Washington?

2 COMMITTEE MEMBER WASHINGTON: Aye.

3 SECRETARY DUCLO: Chair Mulé?

4 CHAIRPERSON MULÉ: Aye.

5 Okay. We have that passed unanimously by the
6 Committee, and we can put that on fiscal consent to the
7 Board.

8 Thank you all.

9 DEPUTY DIRECTOR LEVENSON: If I can add one
10 comment. I spoke earlier in my Director's report about
11 the 1497 regulations and the exchange that we had between
12 the LEAs and the operators at those workshops. And I
13 think it's exactly what this is shooting for is that
14 interaction between those entities and some common problem
15 solving.

16 So thank you very much for your support on this.

17 CHAIRPERSON MULÉ: Thank you. Again, thank you
18 all for your work in this very important effort.

19 Okay. Our final item today is Committee Item G,
20 board Agenda Item 7.

21 DEPUTY DIRECTOR LEVENSON: This is a Discussion
22 And Request For Rulemaking Direction To Notice For 45-Day
23 Comment Period Proposed Regulations Modifying Existing
24 Active Disposal Site Gas Monitoring And Control
25 Regulations.

1 John Bell is going to make the primary
2 presentation and Mike Wochnick is also here to answer any
3 questions.

4 MR. BELL: Good mourn, Madam Chair and Members.
5 This agenda item considers regulation modifications to
6 apply closed disposal site gas standards to active
7 disposal sites. We also proposed cleanup language to
8 these same landfill gas regulations.

9 To give you a brief history, this proposed action
10 has long been wanted by Board staff and various LEAs.
11 Discussion at the Board Committee level first took place
12 in September 2003 in conjunction with the long-term gas
13 violations standards. This issue was also raised
14 GeoSyntec Landfill Compliance Study, and at its September
15 2004 meeting, the P&E Committee directed staff to
16 implement the study's recommendation to apply closed site
17 gas regulations to active sites.

18 This September the Board staff held an informal
19 public workshop on these draft regulations. The draft
20 regulations before you today contain language that applies
21 closed site standards to active sites. The active site
22 gas standard 20919.5 is no longer needed as it has been
23 completely incorporated into the closed site standards.

24 At first glance these draft regulations look
25 fairly complex. However, the vast majority of the changes

1 that you see in Attachment 2 involve minor cleanup
2 language made under the review of our legal staff to
3 enhance consistency and clarity and yet not change the
4 law.

5 For example, we've added consistency to the use
6 of the terms "monitoring well" and "monitoring probe".
7 We've added consistency to the use of the terms "landfill
8 gas" and "methane". We are mentioning the need for EA
9 approval upfront for the entire gas control program in
10 Section 20921 instead of in each section.

11 Attachment 1 contains a summary of the comments
12 we've received on the proposed minor cleanup language.
13 These comments have fallen into 6 categories. First,
14 there are comments related to our definition of the term
15 "owner". We did this because the definition of "operator"
16 in these standards includes owner.

17 There were comments related to the term "Disposal
18 site permitted facility boundary". We added this term to
19 be consistent with recently adopted long-term gas
20 violation standards. However, because the comments we
21 received -- of the comments we received, we added a
22 definition for this term in Section 20921.

23 There's been some disagreement on the timeline
24 for sites that come into compliance with these new
25 standards. Staff retained immediately for inactive sites

1 because they should already have met the requirements. We
2 modified the timelines for closing new or expanded sites
3 and staff is open to stakeholder input for active site
4 timelines.

5 Comments have been received on various design
6 specifics and standards. Staff retained the existing
7 wording in most cases for a number of reasons including
8 beyond the scope of this regulation package, and being
9 less strict than federal standards or having existing
10 regulations that already allow for the proposed change.

11 A number of comments we received on the issue of
12 trace gases, but staff has made no changes in the existing
13 regulations for trace gases as this is beyond the scope of
14 this regulation package, and it is as the existing
15 regulations are.

16 Finally, comments were received that the Board
17 should not have concurrence authority for landfill gas
18 system design. Board concurrence was retained because
19 Board concurrence is needed for closure, post-closure
20 plans review and approval, process, as well as the solid
21 waste facility process itself.

22 To date there has been no objection to modifying
23 the regulations to apply closed disposal site landfill gas
24 standards to active sites. The vast majority of the
25 changes in Attachment 2 are minor cleanup language, making

1 no substantive change to the regulations, and only are
2 made to enhance consistency and clarity.

3 Staff has incorporated additional changes to the
4 cleanup language based on all comments received to date.

5 In conclusion, staff recommends Adoption of
6 Option 1, directing staff to formally notice the proposed
7 regulations for a 45-day comment period.

8 That concludes my presentation, if there are any
9 questions.

10 CHAIRPERSON MULÉ: Thank you.

11 Are there any questions?

12 No questions.

13 Oh, I'm sorry. We do have a speak.

14 Patti Henshaw.

15 MS. HENSHAW: Hi. Patti Henshaw with Orange
16 County LEA.

17 These regulations we're in support of. I think
18 it's been needed for a long time to kind of make them in
19 sync. But one think that John Bell has brought up that
20 there was a narrow scope on these regulations where you
21 were just meaning to kind of make the active and the
22 closed sites in sync, but there are other things that
23 we've been requesting for changes that we've been told are
24 beyond the scope.

25 And so what we would like to ask the Board is

1 maybe after this reg package, that they go back to the gas
2 regs and look at it in a possibility of making some
3 significant changes to kind of the standards that have
4 been difficult for the LEAs.

5 We have 7 enforcement orders on closed sites, old
6 closed sites, to install gas control systems, so we've
7 been really working with these regs for a long time.
8 We've seen some barriers, some legal hassles that we've
9 had to deal with. And so there were some things that we
10 wanted to put in, but we were told they were beyond the
11 scope.

12 And so we would just like the staff to be asked
13 to go back and really look at maybe going beyond the scope
14 and really seeing if there are some changes that are
15 needed to make them more effective.

16 Thank you.

17 CHAIRPERSON MULÉ: Thank you, Patti.

18 Howard, did you want to make a comment?

19 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
20 Chair. And I appreciate Ms. Henshaw's comments.

21 One thing that we are doing you'll see a scope of
22 work before you next month in conjunction with the
23 technologies assessment action plan. We will have a scope
24 of work on the viability of landfill gas monitoring
25 systems. And one possibility, although that will take

1 some time to have it bid and executed and get results, in
2 the course of that study we'll be looking at some of these
3 issues. And when that is nearing its completion, maybe
4 that would be an appropriate time to raise or open up the
5 discussion for a variety of gas related issues. We
6 certainly could do that on an early basis with the EAC and
7 start getting a list together of issues of concern to
8 them.

9 But the timing may be appropriate when we near
10 the end of that study, after we get this regulation
11 package completed.

12 CHAIRPERSON MULÉ: Patti, is that something that
13 you would be agree able to?

14 MS. HENSHAW: Yeah, I mean we understand --

15 CHAIRPERSON MULÉ: Could you come up.

16 Thank you.

17 MS. HENSHAW: We understand that regs take a long
18 time, because I've worked on several of them. So we don't
19 really want to stop this one from moving forward and
20 cleaning up what needs to be cleaned up, but we would like
21 to just continue the discussion for other things that
22 we've brought up.

23 Thank you.

24 CHAIRPERSON MULÉ: Okay. Good. Well, thank you
25 very much.

1 Any other questions or comments

2 Okay. Well, then as Chair I'd like to direct you
3 to formally notice these proposed regulations.

4 DEPUTY DIRECTOR LEVENSON: This would just be a
5 Committee only item.

6 CHAIRPERSON MULÉ: Oh, committee only.

7 Okay. And I just have one other item that I want
8 to revisit from last month's committee meeting. I did
9 bring up to you, Howard, a couple of issues pertaining to
10 permitting and enforcement regarding the timing of the
11 60-day clock once we receive an application. And then the
12 other issue of the fact that the Board cannot reject an
13 application on a proposed permit as being complete or
14 incomplete.

15 And so I was just wondering if you've had any
16 further discussion with your staff on that, because I know
17 that there were some previous attempts at correcting these
18 issues via legislation. So if you can give us an update,
19 I'd appreciate that.

20 DEPUTY DIRECTOR LEVENSON: That's correct, Madam
21 Chair. There has been language that's exactly reached
22 bill status on the issue of whether the Board can reject
23 an application that's incomplete or incorrect and that has
24 never gotten out of committee.

25 We've also in the past had discussions about the

1 60-day timeframe for reviewing and concurring in an item
2 and whether there's any flexibility on that timeframe, for
3 example, when we get something several weeks into that and
4 the scheduling of the Board meetings is such that we
5 really only have about 30 or 40 days to look at the item.

6 So there have been some legislative proposals on
7 that and a variety of other enforcement related issues as
8 well.

9 One possibility, if you wish, is that, you know,
10 we could develop an agenda item kind of for discussion
11 purposes that just lays out some of the issues that have
12 come up in those discussions. We've also had an ongoing
13 working group with the Enforcement Advisory Counsel and
14 have developed kind of a draft paper that has a number of
15 enforcement related issues laid out, so we could bring
16 those to your attention so that you're aware of the kind
17 of, at least, staff's assessment of where some of the gaps
18 are.

19 And I'm kind of rambling here. But that's also
20 one of the functions that we're conducting under the Cal
21 EPA enforcement initiative is to identify those statutory
22 gaps and authorities. So there's a number of different
23 venues where this has been discussed and we could try to
24 pull that together for you.

25 CHAIRPERSON MULÉ: I would be agreeable to that.

1 If we could bring it to the Committee maybe in January or
2 February.

3 DEPUTY DIRECTOR LEVENSON: How about February.
4 If that's okay with you, that would be very doable.

5 CHAIRPERSON MULÉ: Okay. Anything else?

6 Any other comments from the public?

7 Hearing none, this meeting is adjourned.

8 Thank you all.

9 (Thereupon the California Integrated Waste
10 Management Board, Permitting and Enforcement
11 Committee meeting adjourned at 11:20 a.m.)
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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said workshop nor in
13 any way interested in the outcome of said workshop.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 6th day of December, 2005.

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